

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ABIRA MEDICAL LABORATORIES,
LLC, d/b/a GENESIS DIAGNOSTICS,
Plaintiff,

v.

KAISER FOUNDATION HEALTH PLAN
OF THE MID-ATLANTIC STATES, INC.,
Defendant.

CIVIL ACTION

NO. 24-CV-759

ORDER

AND NOW, this 15th day of May, 2024, upon consideration of Defendant's Motion to Dismiss for Failure to State a Claim (ECF No. 6 & 20), and Plaintiff's Responses thereto (ECF No. 16), it is **HEREBY ORDERED** that:

1. Defendant's Motion is **DENIED** as to Count 1;
2. Defendant's Motion is **GRANTED** as to Count 2. Plaintiff's Count 2 is **DISMISSED** as a standalone claim;
3. Defendant's Motion is **GRANTED** as to Count 3:
 - a. Plaintiff's claims for negligent misrepresentation and equitable estoppel are **DISMISSED WITH PREJUDICE**;
 - b. Plaintiff's claim for promissory estoppel is **DISMISSED WITHOUT PREJUDICE**;
4. Defendant's Motion is **DENIED** as to Count 4.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.